

Remarks

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

Claims 17, 23-28, 34 and 37 have been rejected under 35 U.S.C. §102(b) as being anticipated by Yoshino (JP 11-168534).

Claims 17, 34 and 37 have been amended so as to further distinguish the present invention from the reference relied upon in the rejection. Further, claims 26 and 27 have been amended so as to make a number of minor editorial revisions. In addition, claims 23-25 and 28 have been canceled without prejudice or disclaimer to the subject matter contained therein.

The rejection is now submitted to be inapplicable to the claims for the following reasons.

Claim 17 is patentable over Yoshino, since claim 17 recites a mobile phone including, in part, a resume method storage unit operable to store information indicating at least two reproduction resume methods; and a control unit operable to select one of the at least two reproduction resume methods stored in the resume method storage unit, specify a reproduction start position of music data based on the selected reproduction resume method, and instruct a reproduction unit to reproduce the music data from the specified reproduction start position, after reproduction is stopped by the reproduction unit in accordance with an instruction from a stop unit and a conversation finishes, wherein the at least two reproduction resume methods includes at least one of a method to reproduce the music data from a beginning of the music data which was being reproduced just before being stopped, a method to reproduce the music data from a point at which the reproduction of the music data was stopped, and a method to jump back to the music data for a specified time from a point at which the reproduction of the music data was stopped and to restart the reproduction of the music data at the point. Yoshino fails to disclose or suggest a resume method storage unit operable to store at least two reproduction resume methods or a control unit operable to select one of the at least two reproduction resume methods as recited in claim 17.

Yoshino discloses a device having a controller 105 for controlling a reproduction device 102 capable of playing back music from a mini disc (MD) to headphones 108 and a message device 104 that enables the device to function as a mobile phone using an antenna 103. When the reproduction device 102 is in the process of playing back music from the MD and the message device 104 receives

a radio signal (i.e., a telephone call) via the antenna 103, the message device 104 notifies the controller 105 of the radio signal. Once the controller 105 is notified, it instructs the reproduction device 102 to stop reproduction of the music. After completion of the telephone call, the reproduction device 102 is capable of resuming the playback of the MD at the point where the reproduction was halted. (See paragraphs [0007] -[0010]; [0025] - [0034]; [0070] - [0074] and Figures 1-4).

Based on the above discussion, it is apparent that the reproduction device 102 of Yoshino is capable to resuming playback of the MD from the point where the reproduction was previously halted due to the reception of a telephone call. However, Yoshino only discloses this one method of resuming playback and does not disclose or suggest any alternative methods for the resumption of reproducing the music from the MD. As a result, Yoshino necessarily fails to disclose or suggest a resume method storage unit operable to store at least two reproduction resume methods or a control unit operable to select one of the at least two reproduction resume methods, as recited in claim 17.

As for claims 34 and 37, these claims are patentable over Yoshino for similar reasons as set forth above in support of claim 17. That is, claims 34 and 37, like claim 17, recite, in part, the selection of one of at least two reproduction resume methods stored in a memory, specifying a reproduction start position of music data based on the selected reproduction resume method, and resuming reproduction of music data from the specified reproduction start position, after reproduction is stopped and a conversation finishes, wherein the at least two reproduction resume methods includes at least one of a method to reproduce the music data from a beginning of the music data which was being reproduced just before being stopped, a method to reproduce the music data from a point at which the reproduction of the music data was stopped, and a method to jump back to the music data for a specified time from a point at which the reproduction of the music data was stopped and to restart the reproduction of the music data at the point, which features are not disclosed or suggested by Yoshino.

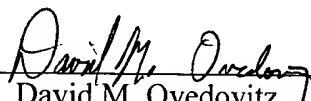
Because of the above mentioned distinctions, it is believed clear that claims 17, 26, 27, 34 and 37 are patentable over Yoshino. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to modify Yoshino or to make any combination of the references of record in such a manner as to result

in, or otherwise render obvious, the present invention as recited in claims 17, 26, 27, 34 and 37. Therefore, it is submitted that claims 17, 26, 27, 34 and 37 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

Kenji TAGAWA et al.

By 
David M. Ovedovitz
Registration No. 45,336
Attorney for Applicants

DMO/jmj
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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